

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: Pharmaceutical Industry	)	
Average Wholesale Price Litigation	)	CIVIL ACTION NO. 01-12257-PBS
	)	

**SUPPLEMENTAL DECLARATION OF LAUREN J. STIROH**  
**IN SUPPORT OF DEY, INC., DEY, L.P., AND DEY L.P., INC.'S MOTION FOR**  
**PARTIAL SUMMARY JUDGMENT**

Lauren Stiroh declares, pursuant to 28 U.S.C. § 1746, that:

1. I am Lauren J. Stiroh, an economist and Senior Vice President of NERA Economic Consulting (NERA), an international economic consulting firm. I have been engaged by the defendant ("Dey") as an expert in this case. I hold a Ph.D. in economics from Harvard University. A substantial part of my consulting practice focuses on the economics of competition and pricing and the determination of economic damages.
2. I have submitted two prior reports in this matter: "Report of Lauren J. Stiroh" dated March 6, 2009, and "Rebuttal Report of Lauren J. Stiroh" dated May 7, 2009, and a declaration, dated June 25, 2009. My qualifications are described in my previous declaration and are not repeated here.
3. I have been asked by counsel for Dey to submit figures which compare Dey's Average Manufacturer Prices ("AMPs") and publicly available Federal Supply Schedule ("FSS") prices for Dey's products to Dey's Average Wholesale Prices ("AWPs") and Wholesale Acquisition Costs ("WACs") for the drug products at issue. These figures are similar to **Figures A through K** from my June 25 declaration but now contain data through the first quarter of

2007. The inclusion of additional data does not change my conclusions.

**Figures S-A through S-K** show that Dey's declining WACs reflect its average pricing activity and that Dey periodically updated its WACs for each drug product at issue.

EXECUTED THIS 29<sup>th</sup> day of June, 2009.

  
Lauren Stiroh